

**FOR IMMEDIATE RELEASE - August 29, 1967**

**OFFICE OF SENATE CONSTITUTIONAL RIGHTS SUBCOMMITTEE**

**Comments by Senator Ervin; "Why the CIA and NSA Should Not be**

**Excluded from the Provisions of S. 1035, the Bill to protect  
employee rights."**

**The Central Intelligence Agency and the National Security Agency  
have asked that the guaranties in S. 1035 not be extended to their employees  
or to citizens who apply for employment with those agencies.**

**I see no practical or policy reasons for granting this request,  
and find no constitutional grounds for it. It is neither necessary nor  
reasonable.**

**The men who drafted the Constitution envisioned a government of  
laws, not of men. They meant that wherever our national boundaries  
should reach, and the controls established in the Constitution should apply  
to the actions of Government. The guaranties of the amendments hammered  
out in the State Constitutional Conventions and in the meetings of the First  
Congress had no limitations. They were meant to apply to all Americans;  
not to all Americans with the exception of those employed by the CIA  
and the NSA.**

My research has revealed no language in our Constitution which envision enclaves in Washington, Langley, or Fort Meade where no law governs the rights of citizens except that of the Director of an agency. No have I found any decision of the highest court in the land to support such a proposition.

Why then do these agencies want to be exempt from this bill?

Is it that, unbeknown to Congress their mission is such that they must be able to order their employees to go out and lobby in their committees for open housing legislation or take part in Great Society poverty programs?

Must they order them to go out and support organizations, mend fences, and hand out grass seeds and then to come back and tell their supervisors what they did with their spare time and with their weekends.

Do they have occasion to require their employees to go out and work for the nomination or election of candidates for public office? Must they order them to attend meetings and fund raising dinners for political parties in the U. S. ?

Do they not know how to evaluate a secretary for employment without asking her how her bowels are, if she has diarrhea, if she loved her mother, if she goes to church each week, if she believes in God, if she believes in the second coming of Christ, if her sex life is satisfactory, if she has to urinate more often than other people, what she dreams about

and many other extraneous matters?

Why do these two agencies want the license to coerce their employees to contribute to charity and buy bonds? The Subcommittee has received fearful telephone calls from employees stating that they were told their security clearances would be in jeopardy if they were not buying bonds, because it was an indication of their lack of patriotism.

Why should Congress grant these agencies the right to spend thousands of dollars to go around the country recruiting on college campuses and the right to strap young applicants to machines and ask them questions about their family, and personal lives such as:

"When was the first time you had sexual relations with a woman?

"How many times have you had sexual intercourse?

" Have you ever engaged in homo sexual activities?

" Have you ever engaged in sexual activities with an animal?

" When was the first time you had intercourse with your wife?

" Did you have intercourse with her before you were married?

" How many times?"

What an introduction to American government for these young people!

The Subcommittee has also received comments from a number of professors indicating the concern on their faculties that their students are being subjected to such practices.

That we are losing the talent of many qualified people who would otherwise choose to serve their Government is illustrated by the following letter which was received by Representative Cornelius Gallagher, Chairman of the Special House Government Operations Committee investigations of invasion of privacy:

"I am now a Foreign Service Officer with the State Department and have been most favorably impressed with the Department's security measures.

"However, some years ago I was considered for employment by CIA and in this connection had to take a polygraph test. I have never experienced a more humiliating situation, nor one which so totally violated both the legal and moral rights of the individual. In particular, I objected to the manner in which the person administering the test posed questions, drew suggestive inferences and put my own moral beliefs up for justification. Suffice<sup>it</sup> to say that after a short time I was not a "cooperative" subject, and the administrator said he couldn't make any sense from the polygraph and called in his superior, the Deputy Chief.

The Deputy Chief began in patronizing, reassuring tones to convince me that all he wanted was that I tell the truth. I then made a statement to the effect that I had gone to a Quaker school in Philadelphia, that I had been brought up at home and at school with certain moral beliefs and principles, that I had come to Washington from my university at the invitation of the CIA to apply for a position, not to have my statements of a personal and serious nature questioned not only as to their truth but by implications as to their correctness, and that I strongly objected to the way this test was being administered.

"The Deputy Chief gave me a wise smile and leaning forward said, 'Would you prefer that we use the thumb screws?'

"I was shocked at this type of reasoning and responded that I hardly thought it was a question of either polygraph or the thumb screws.

"This incident almost ended the deep desire I had for service in the American government, but fortunately I turned to the Foreign Service. But if it had happened to me, it must have happened and did happen to hundreds of other applicants for various Federal positions."

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On the subject of polygraphs, the AFL-CIO in 1965 stated:

"The AFL-CIO executive council deplores the use of so-called "lie detectors" in public and private employment. We object to the use of these devices not only because their claims to reliability are dubious but because they infringe on the fundamental rights of American citizens to personal privacy. Neither the Government nor private employers should be permitted to engage in this sort of police state surveillance of the lives of individual citizens. "

Legislators in five States and several cities have already outlawed these devices, and many unions have forced their elimination through collective bargaining.

The Federal Bureau of Investigation has said they are unreliable for personal purposes.

Why should Congress take a step backward by specifically authorizing their continued use on American citizens in these two agencies to ask about their sex lives, their religion and their family relationships?

Bear in mind that, reprehensible as these lie detectors are, the bill only limits their use in certain areas, and the Director may still authorize their use if he thinks it necessary to protect the national security. Personally, I fear for the national security if its protection depends on the use of such devices.

Similarly the question may be asked why should these agencies force their employees to disclose all of their and their families' assets, creditors, personal and real property, unless they are responsible for handling money? Nevertheless, under the bill, the CIA and NSA have been granted the exemption they wish, to require their employees to disclose such information if the Director says it is necessary to protect the national security. What more do they want?

Apparently, what they want is to stand above the law.

Taken altogether their arguments for complete exemption suggest only one conclusion -- that they want the unmitigated right to kick Federal employees around, deny them respect for individual privacy, and the basic rights which belong to every American regardless of the mission of his agency.

The idea that any Government agency is entitled to the "total man" and to knowledge and control of all the details of his personal and community life unrelated to his employment or to law enforcement is more appropriate for totalitarian countries than for a society of free men. The basic promise of S. 1035 is that a man works for the Federal Government, sells his services, not his soul.